

Sexual Assault Prevention and Reporting on College Campuses in the US: A Review of Policies and Recommendations

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The research is supported by the Undergraduate Research Opportunities Program, University of Utah.

Abstract

Objective: Sexual violence within the collegiate environment is a pressing issue within American society. One way to address sexual violence is through the adaptation and implementation of a sexual assault policy by colleges and universities. The purpose of this study is to review sexual misconduct and assault policies of ten public universities as well as federal policies in the US. This study contributes to increasing the knowledge of sexual assault policies on American campuses that would be helpful in the development of more effective prevention policies, increasing sexual assault reporting, and decreasing sexual assaults. **Methods:** The data included relevant legislation, and the university sexual assault and/or misconduct policies from ten selected public universities within the United States in Fall 2014. **Results:** The policies of the ten universities vary. Three of the universities do not have university policies that explicitly address sexual misconduct as assault. Sexual harassment policies tend to focus on the threat of violence, as opposed to perpetrated sexual violence itself. **Conclusions:** Further efforts in policy revisions need to be made so that more universities will not only implement sexual assault policies, but also implement more comprehensive policies.

Keywords: sexual assault, safety, violence prevention, college health promotion, USA

1. Introduction

Female college students have an extremely high risk of being sexually assaulted, it is estimated that one third of female college students are victims of sexual assault by their senior year of college (Finley & Corty, 1993). With such a high percentage of female college students being sexually assaulted, on campus sexual assault prevention programs are essential in lowering the number of sexual assaults (Karjane, Fisher, & Cullen, 2005). According to the *Know Your Rights: Title IX Requires Your School to Address Sexual Violence* (U.S. Department of Education, 2011), the Education Amendments of 1972 is the cornerstone piece of legislation in the fight to end sexual violence within institutions of higher education. The Education Amendments of 1972 have been an extremely important piece of legislation for American colleges and universities. Their importance in reference to sexual violence has stemmed specifically from their Title IX. Title IX was designed to prohibit discrimination on the basis of sex within all institutions that receive federal financial aid. Title IX further calls for institutions that receive federal financial aid to implement educational programs and also to have policies in place to prevent and protect against sexual violence between and against their students. Because of Title IX, colleges and Universities must respond promptly to sexual violence, provide interim measures, provide students with access to support services, conduct a full investigation and further provide redress as necessary (US Department of Education, 2011). In early 2014 the White House Task force published their *Not Alone* report (White House Task Force, 2014), which explicitly holds colleges and universities accountable for needing to act to prevent sexual assault of their students, and to implement stronger policies for when students are assaulted.

Despite development of federal legislation, sexual violence on college campuses is still greatly underreported (Armstrong, Hamilton, & Sweeney, 2006). One of the contributing factors to that may be that the vast majority of perpetrators are acquaintances, making it harder for the women who experience assault to report (Orchowski, Meyer & Gidycz, 2009). Another reason is that survivors of sexual assault may be unclear on where to report an assault to campus officials. Further, two of the top ranked fears for both male and female college students in regard to reporting are: the issues of confidentiality, and fear of not being believed (Sable, Danis, Mauzy & Gallagher, 2006). Women have often felt re-victimized and that they will not be believed oftentimes when investigators ask if alcohol or drugs was involved, or if they had a previous relationship with their perpetrator (Cohn, Zinzow, Resnick & Kilpatrick, 2012).

Sexual assault is a significant health issue among female college students. Sexual assault survivors are more likely to report psychological disorders such as major Depressive Disorder and Post Traumatic Stress Disorder, and to drop out of school compared to students who had never been victims of sexual assault (Vladitiu, Martin & Macy, 2011). For these reasons, as well as for others, universities need to reevaluate their sexual assault and misconduct policies to ensure the safety and health of female students, and to ensure proper learning environments for all students. The purpose of this study is to review sexual misconduct and assault policies of ten public universities in the US. This study analyzed how the university policies comply with Title IX, as well

as the recent *Not Alone* report. This study contributes to increasing the knowledge of sexual assault policies on American campuses that would be helpful to further develop more effective policies.

2. Methods

The data included relevant legislation, and the university sexual assault and/or misconduct policies from ten selected public universities within the US. The data sources were the universities' policies related sexual assault posted on the websites, the Campus Safety and Security Data Analysis Cutting tool, and the Library of Congress. The analysis took three steps. First, the relevant legislation that has surrounded college sexual assault, sexual assault policies, or survivor reporting was reviewed. Second, the policies from the 10 selected public universities were examined. The universities were selected as they are public institutions with enrollment larger than 15,000 students, and are considered flagship or research universities, from varying regions of the United States of America. The universities that were selected include: University of Alabama (Alabama), University of California at Berkeley (UC Berkeley), University of Georgia (Georgia), Indiana University at Bloomington (Indiana), University of Iowa (Iowa), University of Massachusetts at Amherst (UM Amherst), University of Michigan (Michigan), University of North Carolina at Chapel Hill (UNC Chapel Hill), University of Oregon (Oregon), University of Utah (Utah). Finally, the university policies were analyzed as to how the university policies comply with Title IX, and the *Not Alone* report.

3. Results

Since 1965, the federal government has passed several forms of legislation in hopes of insuring the health and wellbeing of students in higher education. The legislation that has had the most impact upon the university system includes: the Higher Education Act 1965 (Green, 1965), Title IX of the Education Amendments of 1972 (Bayh, 1972), and the Student Right to Know Act (Clery Act) of 1990 (Bradley, 1990). Finally in 2014, President Obama and the White House Task Force to Protect Students From Sexual Assault released its *Not Alone* report (WH Task Force, 2014). The *Not Alone* report includes a checklist for universities to reference in revising their sexual assault policies. This checklist includes ten areas, which should be addressed within a sexual misconduct policy. These areas are: 1) an introduction; 2) scope of the policy; 3) options for assistance following an assault; 4) identification of the Title IX coordinator; 5) definitions of various forms of assault; 6) reporting policies and protocols; 7) investigation procedures and protocols; 8) grievance and adjudication procedures; 9) prevention and education policies; and 10) finally, how the staff and faculty involved are trained. These sections provided the foundation for the analysis of the selected universities' policies.

Table 1 describes the 10 universities regarding the size, number of reported sexual assault in 2012, number of sexual assault per enrollment, date of most recent policy revision, if they are under Title IX investigation, and the number of sections that comply with the *Not Alone* check-list out of the 10 sections possible. Although the *Not Alone* report has spurred changes within policies in many universities, not all have since responded proactively. As of November 2014, all of the 10 universities had policies that had been revised in 2013 or 2014, yet none are fully compliant with past legislation (Title IX) or recent recommendations from the *Not Alone* report. Three of the selected universities, Indiana, Georgia, and UM Amherst, do not even have a specified sexual misconduct policy. As of September 2014, Indiana also did not have a policy regarding sexual misconduct, and still did not in November of 2014 (the university has a sexual harassment policy, which has not been updated since 2002), but had launched a website regarding sexual assault. The website itself is compliant with seven of the ten *Not Alone* guidelines for a sexual misconduct policy, but the website is not a sexual assault policy itself. Both Georgia and UM Amherst do not have sexual misconduct policies, and only briefly mention the issue within blanketing student codes of conduct.

The other seven universities policies ranged from five to nine areas of compliance with the *Not Alone* guideline. Only two of those sections were thoroughly addressed in those seven policies. Those two sections were: definitions of types of sexual misconduct, and reporting policies. There was much variation within those two sections. Iowa had the detailed definitions section as a part of their policy (University of Iowa, 2013). Oregon's definitions section was also comprehensive, and included definitions related to consent, and when consent is not possible (University of Iowa, 2013; University of Oregon, 2014). Reporting procedures is perhaps one of the most important features that a policy addresses, and is addressed within seven of the ten selected university policies. After those two similarities, the policies varied drastically.

UNC Chapel Hill had the policy that was the most compliant with the *Not Alone* report University of North Carolina, 2014). North Carolina's policy was revised in 2014, and was compliant with nine of the ten guidelines in the *Not Alone* policy checklist. The only area in which the policy was not compliant was regarding grievance information and procedures. UNC Chapel Hill's policy failed to list what a reporting student can expect as far as potential sanctions against their attacker, or even what the results of investigation may be. North Carolina did address the training that their faculty undergoes to be able to handle reports though, which the only other school to include such was the UC Berkeley. The institution has also undergone Title IX review as of 2014

as well. Such shows that while UNC Chapel Hill may be revising its policies to become compliant as legislation changes (*Not Alone*) they are not currently compliant with existing legislation (Title IX). UNC Chapel Hill, has been under investigation regarding Title IX compliance, like five of our other selected universities.

Following UNC Chapel Hill, Oregon's sexual misconduct policy had eight of the ten guidelines of the *Not Alone* report (University of Oregon, 2014). The two areas that were missing from its policy was information regarding school education and prevention efforts regarding assault, and how faculty who addresses reporting is trained. Preventative programming was referenced, but only briefly, and extremely vaguely, so therefore there is no way to tell if the programming exists, or in what form.

UC Berkeley and Michigan comply seven items of the *Not Alone* report (University of California, 2014; University of Michigan, 2014). UC Berkeley's sexual misconduct policy had seven of the ten guidelines. It did not provide options for assistance for reporting students; list the Title IX coordinator, or investigative procedures. Also, their policy was a general sexual misconduct policy for all University of California schools, which replaced previous individual policies as of early 2014. Due to the fact that the policy was generalized for all University of California system schools, it does not provide specific details that would be necessary for reporting or student resources at each individual campus.

Michigan's sexual misconduct policy holds seven of the *Not Alone* guidelines (University of Michigan, 2014). It does not address who the Title IX coordinator is (it referenced to that the position exists but not who it is held by or any contact information), or if they have preventative programming, or how relevant faculty are trained. Their introduction section was perhaps one of the best of the selected universities, though as it addresses that the effects of sexual misconduct jeopardize the mental, physical and emotional welfare of their students, and Michigan community as a whole. Michigan is currently under Title IX review, and their policy was revised in 2013.

Iowa and Utah comply six items of the *Not Alone* report (University of Iowa, 2013; University of Utah, 2014). Iowa did not have their Title IX coordinator listed, investigative policies and procedures, if they have preventative programming, or what training their related faculty receive, however (University of Iowa, 2013). As mentioned previously, Iowa had the most extensive definitions section of their policy. Regarding the grievances section, they also not only listed all potential sanctions for offenders, but also explained what each meant. They further provided resources for students who feel that they have been wrongly accused of sexual assault. The strongest aspect of their policy is the fact that it mentions that even if a student who has been assaulted was under the influence of drugs or alcohol at the time of their assault, they should still seek assistance from the university (University of Iowa, 2013). Iowa is not currently under Title IX investigation, and their policy was most recently revised in 2013.

Utah's sexual misconduct policy has six of the ten *Not Alone* guidelines (University of Utah, 2014). Utah's policy, which has been listed as "interim" since 2011, did not have an introduction addressing why the school will not tolerate sexual assault, a Title IX coordinator listed, investigative procedures, or how related faculty are trained. Utah's policy also stated that students who are found to have made false reports of sexual assault are liable to punishment within the criminal justice system (University of Utah, 2014). This detail within Utah's policy gives the policy what seems to be a tone of distrust regarding students who are reporting. Utah is not currently under Title IX investigative review, and their policy was revised in fall of 2014.

Alabama had the lowest number of the *Not Alone* guidelines within its policy, of the schools that had a sexual misconduct policy (University of Alabama, 2014). Their misconduct policy is written as a series of memorandums after their policy on sexual harassment (University of Alabama, 2014). Alabama's policy regarding sexual assault is significantly abbreviated compared to its sexual harassment policy. Alabama's misconduct policy does not provide a scope of the policy, who the Title IX coordinator is, investigative procedures, preventative policies and programming, or how related faculty are trained. Alabama is not currently under Title IX review, and the policy was revised as of 2013.

Of the three schools that do not have a sexual misconduct policy, Indiana provides the most resources for their students (Indiana University, 2014). As of November 2014, Indiana has launched an "It's on Us" website which addresses seven of the ten guidelines for a school policy, although the website itself is not a sexual misconduct policy (Indiana University, 2014). Indiana has a total student enrollment of 46,817 students and 58 reports were made regarding sexual assault in 2012 (campus safety and security data cutting tool). The university is under Title IX investigative review (US Department of Education, 2014), and does not have a sexual misconduct policy, only a sexual harassment policy which was most recently revised in 2002.

Neither Georgia or UM Amherst have specific sexual misconduct policies (University of Georgia, 2014; University of Massachusetts, 2014). Instead, both universities have general student codes of conduct, which each briefly address that sexual assault is considered misconduct. Both student codes of conduct were updated for the 2014-2015 academic year. Therefore, they are not compliant with any of the *Not Alone* guidelines. Georgia is not under Title IX review. UM Amherst is under Title IX review.

Table 1 Review of University Sexual Assault/Misconduct policy

University	Undergraduate enrollment	Total enrollment	Number reported sexual assault in 2012 ^a	Sexual assault per enrollment	Date of most recent policy revision	Under IX investigation	Title	Number sections comply	of that
								Alone	Not check list (out of 10)
NC Chapel Hill	18,370	29,127	35	0.0012	2014	Yes		9	
Oregon	20,808	24,473	39	0.0015	2013	Yes		8	
UC Berkeley	25,951	36,198	32	0.0009	2014	Yes		7	
Michigan	27,979	43,710	64	0.0014	2013	Yes		7	
Iowa	21,974	29,748	29	0.0010	2013	No		6	
Utah	24,840	32,077	9	0.0003	2014	No		6	
Alabama	29,443	34,752	13	0.0004	2013	No		5	
Indiana	32,543	46,817	58	0.0012	n/a	Yes		0	
Georgia	26,278	34,536	21	0.0006	n/a	Yes		0	
UM Amherst	22,252	28,518	26	0.0009	n/a	Yes		0	

^a Including on campus, off campus, public property, forcible and non-forcible cases.

4. Discussion

4.1 Discussion

This study reviews sexual assault policies of ten public universities and relevant federal regulations in the US. The policies of the ten universities vary. Three of the universities do not have university policies that explicitly address sexual misconduct an assault. Sexual harassment policies tend to focus on the threat of violence, as opposed to perpetrated sexual violence itself, and therefore a harassment or generalized misconduct policy cannot provide the resources for sexual violence survivors that a sexual misconduct policy can (White House Task Force, 2014).

A sexual misconduct policy is important because it provides an outline for what students can expect from their university after assault (McMahon 2008). The existence of a sexual assault or misconduct policy communicates that a university will not tolerate acts of sexual violence, and does not want its students to be exposed to the detrimental health effects such violence causes (Vladitiu, Martin, & Macy, 2011). Within a policy, a strong introduction is important, not only to address that a university won't tolerate sexual violence, but why they won't tolerate it (White House Task Force, 2014). Schools that are part of a larger educational system must be wary of only having one generalized sexual misconduct policy to serve as a blanketing policy for the entire system. Systems of education, which include multiple universities or campuses, should have an individual policy for each institution, and at minimum must provide the specifics for the different Title IX coordinators and counseling options available at each campus.

As Rape Abuse Incest National Network (RAINN) reported (2009), within the general population, only 40% of rapes are reported to law enforcement. That percentage is drastically smaller within the pool of collegiate victims though. The Department of Justice has reported that in fact that when it comes to sexual assault reporting in the environment of higher education, less than 5% of women report their assaults (Fischer, Cullen, & Turner, 2000). From the 10 universities, for the selected year of 2012, the number of reports that were made to school officials was between 9 at a university with enrollment of over 32,000 students (Utah), and 64 at Michigan with almost 44,000 students. If the number of sexual assault cases is divided by the total number of students for each selected university, the rates of sexual assault range from 0.0003 (Utah) to 0.0015 (Oregon). The rates do not necessarily indicate the actual incident rates of sexual assault because of the low reporting rates. As rates of sexual assault within the collegiate environment have not decreased within the past 15 years (McMahon, 2008), their levels of reporting may not decrease either.

University sexual assault or misconduct policies are an important step in working to decrease and prevent sexual violence, and are an integral part to ensure that students know where and how they can report if they are assaulted. It has been shown that increasing awareness of the school policies and reporting regulations have helped to increase reporting (McMahon, 2008). Oregon's policy includes a flowchart, so that students can understand what the process will be from reporting to resolution (University of Oregon, 2014). Not only should the policy be simple to navigate for a survivor, but also they should be able to be easily connected to on and off campus resources, particularly counseling services, as it has been shown that counseling can make a significant impact in the well-being of a survivor of sexual violence after an attack (Westmarland & Alderson, 2013). There is no way for a university to connect its students who are survivors of sexual assault into the resources that it can provide for them if they do not know that the survivors exist. Therefore, increasing assault reporting is essential for universities.

Simply because a policy does not include all of the aspects of federal recommendations, such as the *Not Alone* guideline, does not mean that the policy itself is a poor policy. For example, even Indiana that does not currently have a sexual assault policy has the third highest level of sexual assault reporting, tied with UNC

Chapel Hill, which has the most amount of *Not Alone* compliance from the sampled universities. Yet, all three of the schools which do not have an individual sexual misconduct or assault policy are under Title IX investigation by the US Department of Education.

4.2. Recommendations

The fact that college women report their sexual assault experience potentially at a lower rate than the national average clearly depicts how important it is that institutions of higher education have the proper policies in place to manage a victim who chooses to report. Sexual violence within higher education is different than sexual violence outside of higher education, with the main distinction being levels of reporting, and therefore needs to be addressed with different tools and methods.

A completely standardized sexual assault or misconduct would not be suitable for all institutions of higher education but the guidelines addressed in the *Not Alone* report provide a sufficient foundation. While universities should be able to tailor the material of their policy to be appropriate for their campus, they do in fact need to have a policy (White House Task Force, 2014). Although ideally the American higher education system provides a support system through campus resources for students, this system may not be successful. Many students who are assaulted may have a more difficult time getting connected to available resources because they may not be first reporting to campus officials. Often, students who have been sexually assaulted report their assaults to a friend, as opposed to campus or law enforcement officials (Orchowski, Meyer, Gidcyz, 2009). Therefore, it is recommended that universities implement policies whose purposes are to increase the number of sexual assault survivors reporting to campus officials. This can be accomplished through the addition of educational programming for all students within each campus (McMahon, 2008). The type of educational programming would be geared at increasing awareness of sexual assault, and the definitions of consent, as well as when consent is not possible (as in the cases of intoxication or when asleep). Further, this programming should not happen just one time in a student's academic career, but during every school year, to keep the material fresh, and maximize preventative results.

While all of the seven schools that have sexual misconduct policies have sections defining types of misconduct and assault, as well as reporting policies, more must be considered a bench-mark. If a school does not have all 10 sections of the *Not Alone* guideline within their policy, we assert that their policy should include sections that outline the procedures for reporting, investigation, grievance/adjudication, prevention/education, and finally, list options for student assistance (such as counseling or health services). These sections are the most important for a policy to include as they outline what a student who has experienced sexual violence can expect to receive from their university if they choose to report, as well as assurance that their university is laying the groundwork to end sexual violence within its campus. Procedures that outline reporting, investigative, grievance and/or adjudication standards provide clarity for reporting students, so that they will be able to navigate the process without experiencing added emotional distress due to confusion or feelings of mismanagement of their case. Outlined systems for student support also provide that the student who has experienced sexual violence will be able to receive the needed physical and mental health services that can help aid in recovering to a healthy mental status after an assault. These sections are the most important because they directly address student's needs in terms of potentially being able to report their case to university administrative officials.

Furthermore, preventative and educational procedures may aid a student who is contemplating reporting their assault, by introducing students to the policies of the school, where they are able to report, and such also outlines the university's stance in working to end sexual violence within their campus, through the most proven way of doing so, educational programming. Policies that clearly include reporting, investigation, grievance and/or adjudication procedures will depict that a university has the procedures in place to properly handle reports of assault. If more universities are prepared to handle reported assaults than also less investigative reviews into Title IX compliance for universities will be necessary. Such will also help to give students who are interested in reporting their assaults the information needed to understand the effects that reporting may have on both themselves, and on the accused student.

4.3. Limitations

A limitation of this study is that only ten large public universities and their policies were analyzed regarding their policies and legislative adherence. Therefore the ten universities serve as more of a case study than a representative sample of American universities. This study is of importance as it still highlights issues within each of the policies, and reviews how many reports have been made at each school, contrasted with student enrollment size.

4.4. Conclusions

The results of this study suggest that the levels of complying federal policies on sexual assault on campus vary

across universities. Although there is much variation within policies, the strengths of some, and the weaknesses of others are to be noted by other universities working to revise their own sexual assault or misconduct policies. Further efforts in policy revisions need to be made so that more universities will not only implement sexual assault policies, but also implement more comprehensive policies. Future research is necessary to empirically examine how universities policies affect student attitudes and behaviors related to sexual assault and prevention. Such empirical studies would warrant the importance of university policies to prevent sexual assault on campus. While the White House Task Force's *Not Alone* report may only provide recommendations for policy revisions, adopting aspects of the report may be beneficial to universities. Elements of the *Not Alone* report that are particularly beneficial for students are procedures for reporting, investigation, grievance/adjudication, prevention/education, and finally, list options for student assistance (such as counseling or health services). Each of these elements can be important in increasing a university's preparedness for handling reports of sexual assault, increasing campus reporting of sexual assault, and finally increasing Title IX compliance.

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